

**PROGRAM POLICY AND STRUCTURE STANDING COMMITTEE**  
**NELAC Interim Meeting**  
**December 6-8, 1995**  
**Arlington, va**

**Attending Members:**

<b>Name</b>	<b>Affiliation</b>	<b>Phone/Fax</b>
Eldert C. Hartwig, Jr. Chair	FL Dept. of Health and Rehabilitative Services	T: 904/791-1550 F: 904/791-1567
Pauline Bouchard	Minnesota Dept. Health	T: 612/623-5331 F: 612/623-5514
Craig H. Caldwell	Ross Analytical Services	T: 216/572-3200 F: 216/572-7620
Kathy Hillig	BASF	T: 313/246-6334 F: 313/246-5226
Kenneth Jackson	NY State Dept. of Health	T: 518/485-5570 F: 518/485-5568
Marlene O. Moore	Advanced Systems, Inc.	T: 302/834-9796 F: 302/995-1086
Jerry Parr	Quanterra Environmental Services	T: 303/421-6611 F: 303/467-9136
Patricia Royal	Springborn Laboratories, Inc.	T: 508/295-2550 F: 508/295-8107

**Issues:**

**Introduction**

Chairman Hartwig introduced members of the Program Policy and Structure Committee. He noted that all members were present except Henry Bradford, who was unable to attend due to unexpected job demands. There were 10-15 participants in the audience during this meeting. The committee members introduced themselves and summarized their experiences in the NELAC process. Committee members were given copies of the constitution, dated September 7, 1995 (also supplied in each registrant's notebook), and related comments, as working documents.

## Proposed Amendments

For these minutes, recommended additions appear in *italic* and recommended deletions appear as ~~strikeouts~~.

## Constitution

### Article I - General

Paragraph 1: "... laboratory data of known *and acceptable* quality ..."  
Change the last sentence to read "... in a consistent fashion ~~nationwide~~<sup>1</sup>."

The footnote should read: <sup>1</sup>*"The Constitution and Bylaws will be reviewed at a later date to accommodate the unique characteristics of the GLP program taking into consideration the recommendation of the Environmental Laboratory Advisory Board."*

### Article II - Objectives

No change.

### Article III - Membership

Voting Membership: "... Government of the United States, and the States ~~the Commonwealths, the Territories, the Possessions of the United States, or the District of Columbia~~ and that are actively engaged in environmental programs or accreditation of environmental laboratories (*see Article II A*)."

General Membership: "... Territories and Possessions of the United States, ~~other federal officials,~~ and other persons ..."

### Article IV - Officers

#### Section 1 - Ex Officio Officers

No change.

#### Section 2 - Elective Officers

##### A. Eligibility

1. No change.
2. "Only a sState official ..."

## B. Nominations and Elections

1. Nominating Committee: "... active Past Chair as Committee Chair, ~~and~~ four (4) voting members, to be geographically representative insofar as possible, *and five (5) general members.*"
2. Nominations
  - a. "... and present its recommendation ~~as a slate~~ to the Conference."
  - b. "... may be made from the floor by any *voting* member at the Annual Meeting ...
3. Elections - No change.
4. Filling Vacancies - No change.

## Article V - Appointive Officials

### Section 1 - Chair

~~"The Conference Chair with the approval of the Board of Directors will appoint the Parliamentary."~~

#### A. Appointment

"The Conference Chair shall appoint *the Parliamentary and* other officials to conduct the Conference activities."

## Article VI - Meetings of the Conference

#### A. Annual Meeting

"The Annual Meeting of members shall be held ~~each year.~~"

## Article VII - Fees and Dues

No change.

## Article VIII - Amendments to the Constitution

No change.

## Article IX - Bylaws

No change.

Following discussion of Section 2, "Amendments and Repeal of the Bylaws," it was agreed to consider a simple majority versus two-thirds majority to amend the bylaws.

## **Bylaws**

Change all tenses to present unless the future tense is specifically intended.

### **Article I - Application for Membership**

No change.

### **Article II - Fees, Membership Records**

No change.

### **Article III - Use of the Insignia**

No change.

### **Article IV - Board of Directors**

#### Section 1 - Membership

"B. The Nominating Committee in recommending candidates for the Board of Directors shall consider ~~regional~~ representation."

#### Section 2 - Duties

"G. It fills any vacancy in any elective office of the Conference *occurring during the term of office* ~~caused by death, resignation or retirement from active official service.~~"

### **Article V - Duties of the Officers**

#### Section 4 - Director

"The director serves as the link *with* ~~among~~ EPA and other ..."

"The Director serves on the Board of Directors *as an Ex-officio member* and is responsible ..."

#### Section 5 - Executive Secretary

"The Executive Secretary acts as the executive officer of the Conference, *as an Ex-officio member*, and the secretary ..."

## Section 8 - Parliamentary

*"The Parliamentary shall, when requested by the Chair, help in resolving procedural matters at meetings of the NELAC. The Parliamentary shall use the latest edition of Robert's Rules of Order and any special rules adopted by NELAC."*

## **Article VI - Committees**

### Section 1 - General

Paragraph 3: "When necessary, an appointment will be made to any of the standing or administrative committees to fill any vacancy ~~caused by death, resignation, or retirement ...of a member's term. The appointment is for the unexpired portion of the member's term.~~"

### Section 2 - Administrative Committees

No change.

### Section 3 - Standing Committees

#### B. Duties

"1. Program Policy and Structure Committee. This committee generates the constitution and bylaws of the Conference, *and interprets the intent and meaning of the constitution and bylaws*, presents amendments ..."

"3. Quality Systems Committee." This section needs clarification.

"4. Proficiency Testing Committee. This committee develops standards for the proficiency testing samples, develops criteria for selection of the providers of samples, and develops and updates protocols for the use of proficiency test samples *and data* in the accreditation of laboratories."

"7. Implementation Committee ... of model sState legislation and regulations ..."

## Article VII - Voting System

### Section 1 - House of Representatives

#### B. Composition

"1. Each State is authorized ... until such a time as a) the Governor appoints someone else, or b) the individual is no longer an employee of the State, or c) ~~he or she has failed to participate directly in an Annual Meeting.~~"

At the end of this paragraph, add: "*If the governor has not appointed a representative to the delegation from a State to the conference, then the House of Representatives shall elect one of its members to vote for that State.*"

"3. Each other *cabinet level* federal department (*DOC, DOD, DOE, DOI, DOL, DHHS*) ~~or independent agency~~ with environmental laboratory accreditation, certification, or evaluation activities may appoint one official to the House of Representatives as determined by the Director *and approved by the board. The NRC and FDA may appoint one representative each to the House of Representatives.*"

### Section 3 - Voting Rules

#### B. Quorum

"This quorum consists of representation from fifty percent of the States' ~~and Territories~~ *representatives* and fifty percent of *Federal EPA* representatives."

#### C. Voting

##### 1. Minimum Votes

- " a. House of Representatives. ~~At least A minimum of~~ two-thirds of the eligible and present participating ~~representatives agencies~~ must cast their votes in favor of, ~~or in opposition to~~ an issue for the vote to be considered ~~passed official.~~"
- " b. House of Delegates. ~~At least A minimum of~~ two-thirds of those eligible and present delegates must cast their votes in favor of, ~~or in opposition to~~ an issue for the vote to be considered ~~passed official.~~"

##### 2. Motion Accepted

"The motion ~~is accepted~~ passes if it ~~passes~~ receives a minimum or greater vote in favor ~~on an issue~~ in both Houses."

### 3. Motion Rejected

"The motion *is rejected if it does not pass* ~~fails if it receives less than the minimum vote~~ in either House."

## Section 6 - Procedures

"The Conference officers and committees observe in all procedures the principles of due process -- the protection of the rights and interests of affected parties. Specifically, they (a) give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for Conference action for the information of all parties at interest, and (b) provide that all interested parties have an opportunity to be heard by committees and by the Conference."

## Section 7 - Changes in Organization and Procedure

~~"However, at any time any Active member can call for a vote on the suspension of the rules of order. The Chair may or may not grant such vote as he or she chooses. This authority is limited to the procedural aspects of the Conference and is not meant to authorize temporary changes in the Constitution or Bylaws."~~

## **Chapter 1**

This chapter was assigned to several committee members to review. It is an introduction to the Standards and suggests what should be included in proposed standards (titles and categories, not detail). The forward and executive summary will be written last.

### **1.0 Policy and Structure**

Not discussed in this meeting.

#### **1.1. Introduction**

First paragraph: "The purpose of the organization is to foster the generation of environmental laboratory data of known *and documented* quality ..."

The following sentence in the second paragraph was reviewed and the committee decided that the quote from the CNAEL report needed to be reviewed to see if this statement was accurate (CNAEL may have recommended the national program but not the national conference):

"... CNAEL recommended that a national conference for national environmental laboratory accreditation be established. In response to the CNAEL recommendations, EPA and State representatives formed a state/EPA Focus Group that developed a proposed framework for the National Environmental Laboratory Accreditation Conference, modeled after the National Conference on Weights and Measures."

## 1.2 Objectives

"The Objectives of the National Environmental Laboratory Accreditation Conference are *specified in Article II of the constitution.*"

### 1.2.1 Forum

This section may change with changes that may be made in teleconference calls regarding Article II of the constitution.

### 1.2.2 Mechanism

This section may change with changes that may be made in teleconference calls regarding Article II of the constitution.

### 1.2.3 Consensus

"To develop a consensus on uniform standards *for laboratory accreditation.* ~~laws, regulations and specifications for laboratory inspection, procedures, criteria, personnel qualifications, testing, administrative procedures and assurance of compliance with NELAC standards.~~"

This section may change with changes that may be made in teleconference calls regarding Article II of the constitution.

### 1.2.4 Uniformity

This section may change with changes that may be made in teleconference calls regarding Article II of the constitution.

### 1.2.5 Cooperation

This may change with changes that may be made in teleconference calls regarding Article II of the constitution.

## 1.3 Elements

1.3.1 This section needs to be reworded; "data audit" needs to be defined in the definition section.

1.3.2 "As accrediting authorities, the States and *other* ~~the~~ federal agencies shall grant accreditation and ensure compliance with NELAC *laboratory* standards and criteria."

1.3.3 "To provide for practicable reciprocity ... application of the national standards. *To develop model legislation and regulations which can be adopted by accrediting authorities.*"

- 1.3.4 "To incorporate standards which encourage mutual acceptance of data on a national and international basis, including where applicable, but not limited ~~to the extent applicable,~~ ISO/IEC Guide 25, ISO 58, NISTR 4576 Laboratory Accreditation in the United States ~~of the National Institute of Standards and Technology guidelines and Organization of Environmental and Cooperative Development ( and OECD-GLP Standards and Principles, along with Technical Standards associated with these programs Principle and Technical Standards).~~"

## **1.4 Purpose of the Conference**

Search and replace the word "conference" with "meeting" when referring to a specific meeting. Use the term "NELAC" when referring to the organization as a subunit of NELAP, an EPA program.

"These standards will be approved by ~~a the conference vote by a majority~~ of the eligible voting members participating in a given years' *annual meeting conference*."

## **1.5 Membership of the Conference**

"The membership of the conference shall be comprised of participants from the State and Federal accrediting oversight bodies, the laboratories subject to accreditation under *NELAC* ~~the National Environmental Laboratory Accreditation Program~~ and other interested groups."

## **1.6 Structure of the Conference**

Timing issues are inconsistent throughout the document. These need to be addressed. They may not be applicable and may need to be changed.

### **1.6.1 The Board of Directors**

"... an Environmental Protection Agency official appointed by the EPA Administrator as the NELAPC Director ..."

### **1.6.2 The Environmental Laboratory Advisory Board**

The Environmental Laboratory Advisory Board, chartered under the Federal Advisory Board Act, consists of ~~nine~~ members appointed by EPA and composed of ~~eight~~ non-State, non-Federal representatives, primarily from the environmental laboratory industry ~~regulated by the standards of NELAC,~~ and chaired ..."

### **1.6.3 The Accreditation Authority Review Board**

"The Accreditation Authority Review Board (AARB) is composed of ~~representatives seven~~ members: ~~three~~ from EPA, ~~two~~ from other Federal agencies, and ~~two~~ from the States; *the Chair of the AARB Board,* ~~whose Chair~~ will be one of the EPA members."

The committee needs to make sure the entire document, and especially this point, is consistent with the FACA Charter.

#### 1.6.4 The Membership

"The membership consists of two ~~groups~~<sup>classes</sup> - Voting Members and General Members."

Wording needs to be consistent on how the States, Commonwealths, Territories, Possessions of the United States, or the District of Columbia are referenced throughout the document.

##### 1.6.4.1 Participation of the Membership

The committee recognized the need to clarify ELAB's role and started to work on wording.

The work of the committee concluded at this point. It was noted that one committee member from each standing committee will meet in a coordinating committee and review all of the standards to make sure they are consistent and contain no omissions or overlaps.